

**OLIFF & BERRIDGE, PLC**

ATTORNEYS AT LAW

August 26, 2004

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**U.S. PATENT AND TRADEMARK OFFICE  
FACSIMILE TRANSMISSION COVER SHEET**

<b>To:</b> In re the Application of John M. HAMMOND et al.	<b>FOR FILING IN THE U.S. PATENT AND TRADEMARK OFFICE</b>
Application No.: 10/600,213	
Filed: June 20, 2003	Group Art Unit: 1723
<b>For:</b> LIQUID DISPERSION FILTRATION AND DELIVERY APPARATUS AND METHOD	Docket No.: 119641

Examiner: \_\_\_\_\_ Facsimile: (703) 872-9306

From: Eugene O. Palazzo, Reg. No. 20,881 // William P. Berridge, Reg. 30,024  
Joel S. Armstrong, Reg. No. 36,430

Prepared By: amw Number of Pages Sent (Including cover sheet): 5

**Comments:**

Attached is Request for Non-Entry of Unauthorized Papers and Correction of Power of Attorney and Correspondence Address, for the above-identified application.

The U.S. Patent and Trademark Office is authorized to debit Deposit Account No. 24-0037 for any fees associated with this response.

Sent by: amw

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Xerox Docket No. D/A1340

**AUG 26 2004****PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

John M. HAMMOND et al.

Group Art Unit: 1723

Application No.: 10/600,213

Filed: June 20, 2003

Docket No.: 119641

For: **LIQUID DISPERSION FILTRATION AND DELIVERY APPARATUS AND  
METHOD****REQUEST FOR NON-ENTRY OF UNAUTHORIZED PAPERS AND  
CORRECTION OF POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An August 24, 2004, review of PAJR indicates that an alleged Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence Address was improperly generated and filed by Howard J. Greenwald in the above-captioned patent application on August 17, 2004. In particular, the alleged Revocation of Power of Attorney and Change of Address was signed by only one of the three named inventors, John M. Hammond, in this patent application. The alleged Revocation of Power of Attorney and Change of Address was not signed by the other two named inventors, Michael Sanchez and Paul Lincoln, or by the owner of the patent application, Xerox Corporation, as required by the rules of practice specified below. Also, the Revocation was not accompanied by any petition or fee under 37 C.F.R. §1.182.

The subject documents were filed by a disgruntled former employee of the owner of this patent application, Xerox Corporation. That former employee, who is one of the named

Xerox Docket No. D/A1340

inventors, has also submitted "Information Disclosure Statements" in this application challenging inventorship and ownership of the application. The allegations made by the former employee, while patently flawed on their face (e.g., the record includes two directly opposite declarations under 37 C.F.R. §1.68 by the named inventor Paul Lincoln, who is also a former Xerox employee) are under investigation. Meanwhile, however, the Patent Office is not permitted or authorized to revoke any powers of attorney granted by other inventors to Xerox Corporation in this application, nor is it authorized to change the correspondence address of the application. See MPEP §402.10, highlighted copy attached, 37 C.F.R. §1.33(a)(2) and 37 C.F.R. §1.36(a). Accordingly the proper power of attorney and correspondence address are to remain as follows as specified in the proper documents submitted on June 20, 2003 and May 4, 2004:

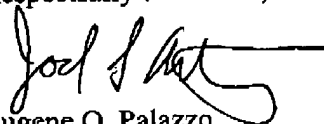
<b>POWER OF ATTORNEY:</b>			
Mark Costello	Reg. No. 31,342;	Eugene O. Palazzo	Reg. No. 20,881;
Ronald F. Chapuran	Reg. No. 26,402;	Elizabeth F. Harasek	Reg. No. 28,850;
Kevin R. Kepner	Reg. No. 32,145;		
Richard B. Domingo	Reg. No. 36,784;	Tallam I. Nguti	Reg. No. 32,791
<b>ASSOCIATE POWER OF ATTORNEY:</b>			
James A. Oliff	Reg. No. 27,075;	Mario A. Costantino	Reg. No. 33,565;
William P. Berridge	Reg. No. 30,024;	Joel S. Armstrong	Reg. No. 36,430;
Kirk M. Hudson	Reg. No. 27,562;	Christopher W. Brown	Reg. No. 38,025;
Thomas J. Pardini	Reg. No. 30,411;	Richard E. Rice	Reg. No. 31,560;
Edward P. Walker	Reg. No. 31,450;	Paul Tsou	Reg. No. 37,956;
Robert A. Miller	Reg. No. 32,771;	Eric D. Morehouse	Reg. No. 38,565
<b>ADDRESS ALL CORRESPONDENCE TO:</b>		<b>DIRECT TELEPHONE CALLS TO:</b>	
<b>OLIFF &amp; BERRIDGE, PLC</b>		(name and telephone number)	
<b>CUSTOMER NUMBER 25944</b>		<b>William P. Berridge</b>	
		<b>703-836-6400</b>	

Thus, in the event that the Patent Office has entered the Revocation of Power of Attorney or Change of Address improperly filed on August 17, 2004, and which is clearly not in accordance with the PTO rules of practice, the Office is respectfully requested to correct its records to refuse entry of any such Revocation or Change of Address and to inform Applicants of this refusal.

Xerox Docket No. D/A1340

Because the Power of Attorney and correspondence address relied upon by the Office do not appear in PAIR, written confirmation of the above Power of Attorney that has been entered by the Patent Office and of the above correspondence address to be used by the Patent Office in this patent application is quickly and respectfully requested. Should there be any questions or comments concerning this filing, please telephone the undersigned at the number set forth below.

Respectfully submitted,



Eugene O. Palazzo  
Registration No. 20,881

William P. Berridge  
Registration No. 30,024

Joel S. Armstrong  
Registration No. 36,430

EOP/WPB:amw

Attachment:

MPEP §401.10 (highlighted)

Date: August 26, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>
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## REPRESENTATIVE OF INVENTOR OR OWNER

403

# 402.10 Appointment/Revocation by Less Than All Applicants or Owners

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition and fee under 37 CFR 1.182 giving good and sufficient reasons as to why such papers should be accepted. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.182 will result in more than one attorney, agent, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. See *In re Goldstein*, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988). In an application filed under 37 CFR 1.47(a), an assignee of the entire interest of the available inventors who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.182. See MPEP § 402.07. However, in applications accepted under 37 CFR 1.47, such a petition under 37 CFR 1.182 submitted by a previously nonsigning inventor who has now joined in the application will not be granted. See MPEP § 409.03(i). Upon accepting papers appointing and/or revoking a power of attorney that are signed by less than all of the applicants or owners, the Office will indicate to applicants who must sign subsequent replies. An indication will be placed on the file wrapper as to the number of signatures necessary for accepting subsequent replies and the paper number(s) where the split powers of attorney appear. Dual correspondence will still not be permitted. Accordingly, when the acceptance of such papers results in an attorney or agent and at least one applicant or owner prosecuting the application, correspondence will be mailed to the attorney or agent. When the acceptance of such papers results in more than one attorney or agent prosecuting the application, the correspondence address will continue to be that of the attorney or agent first named in the application, unless all parties agree. Each attorney or agent signing sub-

sequent papers must indicate whom he or she represents.

The following are examples of who must sign replies when there is more than one person responsible for prosecuting the application:

(A) If coinventor A has given a power of attorney and coinventor B has not, replies must be signed by the attorney of A and by coinventor B.

(B) If coinventors A and B have each appointed their own attorney, replies must be signed by both attorneys.

## 403 Correspondence — With Whom Held

37 CFR 1.33. *Correspondence respecting patent applications, reexamination proceedings, and other proceedings.*

(a) *Correspondence address and daytime telephone number.* When filing an application, a correspondence address must be set forth in either an application data sheet (§ 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing. If no correspondence address is specified, the Office may treat the mailing address of the first named inventor (if provided, see §§ 1.76(b)(1) and 1.63(c)(2)) as the correspondence address. The Office will direct all notices, official letters, and other communications relating to the application to the correspondence address. The Office will not engage in double correspondence with an applicant and a registered attorney or agent, or with more than one registered attorney or agent except as deemed necessary by the Commissioner. If more than one correspondence address is specified, the Office will establish one as the correspondence address. For the party to whom correspondence is to be addressed, a daytime telephone number should be supplied in a clearly identifiable manner and may be changed by any party who may change the correspondence address. The correspondence address may be changed as follows:

(1) *Prior to filing of § 1.63 oath or declaration by any of the inventors.* If a § 1.63 oath or declaration has not been filed by any of the inventors, the correspondence address may be changed by the party who filed the application. If the application was filed by a registered attorney or agent, any other registered practitioner named in the transmittal papers may also change the correspondence address. Thus, the inventor(s), any registered practitioner named in the transmittal papers accompanying the original application, or a party that will be the assignee who filed the application, may change the correspondence address in that application under this paragraph.

(2) *Where a § 1.63 oath or declaration has been filed by any of the inventors.* If a § 1.63 oath or declaration has been filed, or is filed concurrent with the filing of an application, by any of the inventors, the correspondence address may be changed by the parties set forth in paragraph (b) of this section, except for paragraph (b)(2).

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